

**ORDINANCE NO. 45-723**

05/12/03

AN ORDINANCE AMENDING SECTIONS 7.08.010, 7.08.020, 7.08.030, 7.08.040, 7.08.050, 7.08.055, 7.08.60, 7.08.070, 7.08.075, 7.08.080, 7.08.090, 7.08.100, 7.08.110, 7.08.120, 7.08.125, 7.08.130, 7.08.135, 7.08.140, 7.08.150, 7.08.160, 7.08.170, 7.08.180 and 7.08.190 OF THE CODE OF THE CITY OF WICHITA, KANSAS PERTAINING TO GARBAGE REFUSE

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Sections 7.08.010, 7.08.020, 7.08.030, 7.08.040, 7.08.050, 7.08.055, 7.08.60, 7.08.070, 7.08.075, 7.08.080, 7.08.090, 7.08.100, 7.08.110, 7.08.120, 7.08.125, 7.08.130, 7.08.135, 7.08.140, 7.08.150, 7.08.160, 7.08.170, 7.08.180 and 7.08.190 of the Code of the City of Wichita, Kansas shall read as follows:

**Section 7.08.010 Definitions.**

(1) "Agricultural solid waste" means the solid waste that results from the rearing, maintaining, and slaughtering of animals and the processing of animal products and orchard and field crops.

(2) "Apartment" means a structure or premises containing five or more dwelling units including condominiums and similar facilities; provided that occupants who are owners of an individual dwelling unit within an apartment where there is not a central management or home association may be handled as a single-family dwelling.

(3) "Bulky waste" means items whose large size or shape precludes or complicates the handling by normal collection, processing or disposal methods.

(4) "Commercial garbage" means garbage produced from activities on any premises other than an occupied dwelling unit.

(5) "Commercial trash" means solid waste normally generated by stores, offices, schools, institutions and other nonresidential occupancies that do not actually turn out a product, but does not include garbage, demolition and construction waste, hazardous waste, bulky waste, or manure.

(6) "Composting" means a control process of degrading organic matter by micro-organisms into a usable soil conditioner.

(7) "Containerized unit" means a solid waste storage container of one cubic yard capacity or larger that is fly-tight, watertight and rodent-proof and which is emptied into the collection vehicle by mechanical means or is attached to or loaded onto the collection vehicles for transportation to the disposal site.

(8) "Construction and Demolition wastes" means waste lumber, masonry, concrete, other building materials and the resultant mixture with soil or other solid waste resulting from construction, remodeling, repair or demolition of buildings, structures, pavements, bridges and similar projects.

(9) "Demolition landfill" means a landfill used exclusively for the disposal of construction and demolition wastes.

(10) "Dwelling unit" means any room or group of rooms located within a building forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking, eating and a part of which is exclusively or occasionally appropriated to cookery. Mobile homes shall be included in this definition.

(11) "Garbage" means the animal and vegetable waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods and shall include unclean containers.

(12) "Hazardous wastes" means solid and liquid wastes which require special handling and/or disposal to avoid illness or injury to persons or damage to property and to protect and conserve the environment and shall include but not be limited to pesticides, acids, caustics, other dangerous chemicals, pathological wastes, flammable or explosive materials, oils and solvents and similar chemicals and materials that are significantly contaminated with one or more of the above-enumerated wastes and shall also include containers and materials that have been contaminated with hazardous wastes. Hazardous waste shall include, but not be limited to, those substances defined as hazardous waste under local, state, or federal regulations

(13) "Health officer" means the director of the City of Wichita Department of Environmental Health or his or her authorized representative.

(14) "Industrial solid waste" means solid waste normally generated by industrial and manufacturing operations which may include metal, plastic and similar materials produced by commercial operations but does not include garbage, demolition and construction waste, hazardous waste, bulky waste, manure or commercial trash.

(15) "Licensed processing facility" means a sanitary landfill, transfer station, or other processing facility operating under K.A.R. 28-29-1 et. seq., and regulated by the Kansas Department of Health and Environment or other state agency.

(16) "Mobile home park" means a parcel or tract of land used or intended to be used by one or more occupied mobile homes. For purposes of this chapter a mobile home park containing only one occupied mobile home shall be considered a single-family dwelling. A mobile home park

containing two, three or four occupied mobile homes shall be considered a multifamily dwelling and a mobile home park containing five or more occupied mobile homes shall be considered to be a mobile home park in relation to the requirements for mobile home parks in this chapter.

(17) "Multifamily dwelling" means a structure containing two, three, or four dwelling units.

(18) "Nuisance" means anything which (1) is injurious to health, or is offensive to the senses or any obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property, or (2) adversely affects an entire community or neighborhood, or any substantial number of persons even though the extent of the annoyance or damage inflicted upon individuals may be unequal, and (3) is caused by or is the result of the handling or disposal of solid waste.

(19) "Person" means any individual, firm, trust, partnership, association, corporation, or other business entity.

(20) "Recycling" means the process by which waste materials are transformed into new products in such a manner that the original products may lose their identity.

(21) "Residential bulky waste" means items of solid waste normally produced by persons in their dwellings or on their dwelling premises that are too large or too heavy to be placed in a thirty- to thirty-five-gallon container or residential collection containers provided by solid waste haulers and includes household appliances, furniture, plumbing fixtures, playground equipment, yard appliances and equipment and similar materials but does not include vehicle major component parts, hazardous waste, demolition and construction waste or tree waste.

(22) "Residential trash" means solid waste normally produced by persons in their dwellings or on their dwelling premises that can be stored for collection in a residential trash container described in Section 7.08.030(1)(a) and includes but is not limited to garbage, paper, rags, cans, bottles and other containers, household wares, leaves, grass clippings, vegetation prunings,

manure from dogs, cats and similar animals, and tree trimmings or branches tied in bundles not more than four feet in length and not more than eighteen inches in diameter placed beside the storage container, provided that bulky waste, hazardous waste, demolition and construction waste, and large animal manure are excluded.

(23) "Salvage material" means solid waste material that can be reused.

(24) "Salvaging" means the controlled removal of reusable materials.

(25) "Sanitary landfill" means a sanitary landfill operating under K.A.R. 28-29-1 et. seq., and regulated by the Kansas Department of Health and Environment or other state agency.

(26) "Single-family dwelling" means a structure containing one dwelling unit.

(27) "Solid waste" means useless, unwanted or discarded solid or liquid (including sewage) material relating to or produced by agricultural, commercial, domestic or industrial activities, including but not limited to garbage, paper, rock, cans, bottles and other containers, packing material, household wares, leaves, grass, parts of trees, shrubs and other vegetation, ashes, lumber, masonry, concrete and other building materials, appliances and furniture, pesticides, chemicals, pathological materials, radioactive, flammable and explosive materials, oils and solvents, manure, implements and machinery, street sweepings and mud trap accumulations, provided that the term solid waste does not include any uncontaminated earth, stone, minerals or junk vehicles.

(28) "Solid waste collection vehicles" shall include:

(a) "Covered truck" means a vehicle with a bed that has sideboards and tailgate with no openings and a cover which is fastened to the sides and end gate and which will effectively contain the solid waste enclosed therein. Such covered truck may be used only for the collection

and transportation of industrial solid waste, demolition and construction waste, bulky waste and tree waste.

(b) "Enclosed truck" means a vehicle with a totally enclosed watertight truck bed. All doors or openings of the truck bed shall be kept closed at all times except when solid waste is being deposited therein or removed therefrom and shall effectively contain the solid waste enclosed therein. Such enclosed truck may be used only for the collection and transportation of commercial trash (free of garbage), bulky waste and industrial solid waste.

(c) "Flatbed truck" means a vehicle with a truck bed that is to be used only for tree waste. Such tree waste shall be secured or contained with chains, ropes or otherwise on such flatbed truck and so loaded that no part of the load extends beyond the sides of the bed and so that branches hanging over the rear of the bed have ample clearance above ground level.

(d) "Open bed truck" means a vehicle with a truck bed with sideboards and end gate that effectively contain the solid waste placed thereon. Such open bed truck shall be used only for the collection and transportation of bulky waste, residential bulky waste and tree waste, provided that such waste is effectively contained thereon.

(e) "Packer truck" means a vehicle with an enclosed liquid-tight body containing mechanical devices that convey solid waste into the main compartment of the body and compress it. Such packer truck may be used only for the collection and transportation of residential trash, commercial garbage, commercial trash, industrial solid waste and bulky waste that can be contained therein.

(f) "Special truck" means a vehicle with an appropriate body and/or containers for the type of hazardous waste or special waste being collected and transported. Such special truck shall be

equipped and operated as required by the health officer and shall be used for such hazardous waste and special waste as approved by the health officer.

(g) "Trailer" means a non-self-propelled vehicle which may be used only for the collection, storage and transportation of material approved by the health officer.

(h) "Sewage tank truck" means a vehicle with a truck bed or a trailer of watertight construction, that is constructed for the transport of liquid wastes. All openings of the truck bed shall be kept closed except when waste is being deposited therein or removed therefrom and shall effectively contain the solid waste enclosed therein. All hoses, valves, pumps, cylinders, diaphragms, pipes and connections are to be in good repair and free of leaks. Each valve is to have a safety plug or cap. Two-way pumps are prohibited without special exemption being issued by the health officer. Such sewage truck may be used only for the collection and transportation of sewage not otherwise classified as a hazardous waste.

(29) "Solid waste collector" means any governmental agency or any person collecting, transporting and disposing of a solid waste, subject to the conditions of this chapter. The City of Wichita shall be exempt from all provisions of this chapter.

(30) "Tree waste" means all tree or shrub waste including tree stumps, but does not include leaves, tree trimmings or branches tied in bundles not more than four feet in length and not more than eighteen inches in diameter placed beside the solid waste storage containers, vegetation prunings or wood chips placed in such container, fireplace wood or other wood fuel.

(31) "Yard waste" means leaves, grass and turf clippings and any other material approved by the health officer.

#### **Section 7.08.030 Residential trash.**

(a) Storage.

(1) Single-family Dwellings. The occupant of each single-family dwelling shall provide sufficient containers to store all residential trash accumulated on such premises between weekly collection periods. The containers shall be of such material and design as approved by the health officer and shall consist of thirty- to thirty-five-gallon plastic or metal containers or other containers approved by the health officer. Plastic bags may be used for yard wastes. Subject to the approval of the health officer, seventy- to one hundred-eight-gallon containers on wheels with an attached lid which can be emptied mechanically into the solid waste collection vehicle may be used with the permission of the solid waste collector. All residential trash containers shall be watertight, rodentproof and flyproof with lids or closures maintained in place.

All residential trash produced on each single-family dwelling premises shall be stored in the containers on the premises where produced and placed for convenient access by the solid waste collector. Containers shall be stored behind the front yard set back, except when placed on the curb for pickup on the day of collection.

(2) Multifamily Dwellings. The owner of each occupied multifamily dwelling shall provide, for the use of the occupants, containers as required for single-family dwellings of sufficient quantity to contain all residential trash produced on the premises between collection periods or in lieu of such containers shall provide a containerized unit(s) of sufficient size to contain all residential trash produced on the premises between collection periods. The owner of each multifamily dwelling shall be responsible for the trash being in the containers and the condition and maintenance of the containers.

(3) Apartments and Mobile Home Parks. The owner of each apartment complex and each mobile home park shall provide sufficient containers (no more than ten thirty- to thirty-five-gallon containers placed on any one location) or containerized units to contain all of the

residential trash produced by the occupants of the premises between collection periods. Mobile home parks may provide individual thirty- to thirty-five-gallon containers or seventy- to one hundred-eight-gallon containers on wheels with an attached lid which can be emptied mechanically into the solid waste collection vehicle for each mobile home and in such case shall provide weekly collection for each mobile home.

The owner shall be responsible for the trash being in the containers and for the condition and maintenance of the containers.

(b) Collection and Disposal.

(1) Single-Family Dwellings. The occupant of each single-family dwelling shall arrange and pay directly, unless otherwise paid, for all of the residential trash produced on such premises to be collected by a solid waste collector at least once each week.

Any solid waste collector may offer and, if accepted, provide residential trash collection to single-family dwellings and may charge whatever such collector determines to be appropriate for such service, provided that such solid waste collector utilizes a packer truck licensed by the city for such collection service and disposes of such trash at a licensed sanitary landfill or licensed processing facility.

(2) Multifamily Dwellings, Apartments and Mobile Home Parks. The owner of each occupied multifamily dwelling, apartment and mobile home park shall arrange and pay for all of the residential trash produced on such premises to be collected by a solid waste collector at least once each week.

Any solid waste collector may offer, and if accepted, provide residential trash collection service to multifamily dwellings, apartments and mobile home parks and may charge whatever such collector deems to be appropriate for such service, provided that such solid waste collector

uses a packer truck, or other approved collection equipment, licensed by the city for such collection service, and disposes of such trash at a licensed sanitary landfill or licensed processing facility.

**Section 7.08.040 Residential bulky waste.**

Residential bulky waste may be stored on the premises of single-family dwellings, multifamily dwellings, apartments and mobile home parks outside of an enclosed building for no longer than seven days. The occupant of each occupied single-family dwelling and the owners of multifamily dwellings, apartments, mobile home parks and unoccupied single-family dwellings are responsible to arrange for the removal and collection of all residential bulky waste within seven days after it has been placed on the premises outside of an enclosed building.

Any solid waste collector may offer and, if accepted, provide residential bulky waste collection service for single-family dwellings, multifamily dwellings, apartments and mobile home parks and may charge whatever he determines to be appropriate for such service provided that such solid waste collector utilizes a truck licensed for residential bulky waste collection by the city and disposes of such bulky waste at a sanitary landfill or at another licensed solid waste processing or licensed disposal facility.

An individual may haul his or her own residential bulky waste to a sanitary landfill or other licensed solid waste processing or licensed disposal facility provided that he or she accomplishes such hauling without littering, and pays the disposal fee.

**Section 7.08.050 Tree waste.**

- (a) Storage. Tree waste may be stored outside a building no longer than seven days.
- (b) Collection, Transportation and Disposal. All tree waste shall be collected by a solid waste collector utilizing a solid waste collection vehicle licensed by the city for such collection

service and shall be disposed of at a facility that is operated in accordance with the laws of the state; provided, that an individual may collect and transport tree waste produced on residential premises which are occupied by such individual so long as such individual secures such tree waste with chains, ropes or otherwise and accomplishes such transportation to such facility described above for disposal without littering and pays the prescribed disposal fee at such facility.

**Section 7.08.060 Recycling.**

Recycling of solid waste material is encouraged on an individual and collective basis, provided that such recycling efforts do not result in degradation of the environment. Materials such as but not limited to paper, glass, plastic and metal, to be offered and/or collected for recycling, shall be stored in an enclosed building or an enclosed container until scheduled for collection. Such storage may be for a time period longer than seven days provided that such storage does not create a fire hazard, health hazard or other nuisance.

Transportation of solid waste materials to a recycling facility for processing shall be accomplished by a solid waste collector, with a vehicle licensed for such purpose, as determined by the health officer, or by the individual producing such material at such individual's residential premises in a manner that will prevent littering, or by a group of citizens provided that there is no remuneration for the transportation and such transportation prevents littering. Recycling facilities and/or processing operations shall be conducted in accordance with requirements as determined by the health officer and may be conducted only if approved by the health officer.

**Section 7.08.070 Composting.**

Composting of biodegradable residential garbage, yard waste, and tree waste, on residential premises may be accomplished provided that the composting is of materials produced on the premises associated therewith and provided that such composting does not result in odors, fly

breeding, rodent activity or other nuisance and provided further that such composting is carried out in accordance with guidelines provided by the health officer. Community composting and/or mulching programs may be established after approval of the project by the health officer.

**Section 7.08.075 Commercial composting of yard waste.**

(a) Prior to commencing operation the owner of a commercial composting site shall apply for and obtain a yard waste composting facility permit from the state of Kansas. The application will be reviewed by the health officer, zoning administrator, planning director, fire chief, storm water administrator and approved by the Sedgwick County solid waste committee, prior to its submission to the state. All recommendations made during the review stage will become part of the application and permit.

(b) The operator will be required to show that the siting and operation of the commercial composting site is in compliance with the following:

(1) The facility must be in an area that is zoned industrial and must be one thousand feet from any residentially zoned land. The health officer will determine if there should be a buffer zone separating the facility from other commercial businesses.

(2) Surface water drainage must be diverted away from the compost site. When possible, surface drainage shall be captured in an on-site retention pond and used to augment or maintain moisture conditions in the composting operation. Drainage shall be controlled to prevent leachate runoff from the composting site. No waste water may be discharged from the site unless prior approval from the health officer is obtained in accordance with Section 16.20.020(c)(8) of this code.

(3) The facility shall not be allowed to become a public health, safety, or welfare nuisance.

(A) The site must be operated in a manner which will prevent the harborage or breeding of insects or rodents.

(B) The facility shall be maintained to minimize the emission of objectionable odorous air contaminants. Odor from the facility shall not exceed limits established by local ordinance.

(C) Any processing equipment used on the facility shall be in compliance with state air quality regulations.

(D) Noise from the facility shall not violate the standards established by local ordinance.

(E) No commercial composting will take place in an area where the groundwater is less than ten feet below grade.

(F) The operator will be responsible for ensuring that no debris or litter accumulates at the facility.

(G) Only solid waste which is able to be composted shall be processed on the site.

(H) The windrow construction and turning frequency must be sufficient to maintain aerobic conditions. Windrows shall not exceed ten feet in height, or have a volume exceeding one hundred and fifty thousand cubic feet.

(I) All-weather accessible fire lanes must be maintained through the facility.

(4) The health officer will cause regular inspections of the facility to be made, as well as following up on environmental complaints that are received.

**Section 7.08.080 Commercial garbage.**

Commercial garbage which is not disposed of through garbage grinders or by incinerators constructed and operated in accordance with the laws of the state of Kansas shall be stored on the premises where produced in a container(s) as approved by the health officer and which is liquid-tight, fly-tight and closed by a liquid-tight, fly-tight cover. The occupant of each premises producing commercial garbage shall arrange for all such stored commercial garbage to be

collected by a solid waste collector using a packer truck at least two times each week or at more frequent intervals so as to prevent nuisances as determined by the health officer and transported and disposed of at a licensed sanitary landfill or licensed processing facility. Any solid waste collector may offer collection service for such commercial garbage in accordance with a schedule of charges that such collector determines to be appropriate, provided that such solid waste collector utilizes a packer truck licensed by the city of Wichita for such collection service and disposes of such garbage at a licensed and approved sanitary landfill or processing facility.

**Section 7.08.090 Commercial trash.**

The occupant(s) of each premises producing commercial trash shall provide and store all such trash produced thereon in suitable containers or facilities. Such containers or facilities shall consist of individual covered containers (lids or covers maintained in place) of such material and design as approved by the health officer and/or containerized unit(s) or a totally enclosed facility constructed of masonry, concrete or metal. Such storage containers or facilities may also be used to store industrial solid waste and shall have sufficient capacity to contain all solid waste produced on the premises between collection and shall be maintained so as to prevent littering, fly or mosquito production, rodent harborage, odors or other nuisances. The occupant of each premises producing commercial trash shall arrange for all such stored trash to be collected by a solid waste collector using a solid waste collection vehicle licensed by the city of Wichita for such collection service at least once each week or at more frequent intervals so as to prevent nuisances as determined by the health officer. The solid waste collector shall dispose of such trash at a sanitary landfill or at another licensed solid waste processing or licensed disposal facility.

Any solid waste collector may offer collection service for commercial trash in accordance with a schedule of charges such collector determines to be appropriate.

**Section 7.08.100 Industrial solid waste.**

The occupant(s) of each premises producing industrial solid waste shall store all such solid waste produced thereon in suitable containers or facilities. Such containers or facilities shall consist of individual containers, containerized units or a fenced or walled facility. Such storage containers or facilities shall have sufficient capacity to contain all industrial solid waste produced on the premises between collection and shall be maintained so as to prevent littering, fly or mosquito production, rodent harborage, odors or other nuisances. Such storage containers or facilities need not be covered provided that no other type of trash or solid waste is stored therein and unless it is determined by the health officer that complete enclosure or cover is necessary to prevent the above-mentioned nuisances. The occupant of each premises producing industrial solid waste shall arrange for all such stored solid waste to be collected by a solid waste collector, using a solid waste collection vehicle licensed by the city of Wichita for such collector service, at least once each week or at more frequent intervals so as to prevent nuisances as determined by the health officer. The solid waste collector shall dispose of such trash at a sanitary landfill or at another licensed solid waste processing or licensed disposal site. Any solid waste collector may offer collection service for industrial solid waste in accordance with a schedule of charges such collector determines to be appropriate.

**Section 7.08.110 Bulky waste--Nonresidential.**

Bulky waste other than residential bulky waste may be stored on a premises outside of an enclosed building no longer than seven days. The occupant(s) of such premises shall arrange for the removal and collection of all such bulky waste, after it has been placed on the premises outside of an enclosed building, by a solid waste collector using a solid waste collection vehicle licensed by the city of Wichita for such collection service. The solid waste collector shall dispose of such bulky waste at a sanitary landfill or at another licensed solid waste processing or

licensed disposal facility. Any solid waste collector licensed for that purpose may offer collection service for bulky waste in accordance with charge such collector determines to be appropriate.

**Section 7.08.120 Construction and Demolition waste.**

The occupant of each premises and/or the contractor of a construction or demolition project shall collect and remove or arrange for the collection and removal of all construction and demolition waste produced on such premises or in relation to a demolition or construction project. All such construction and demolition waste shall be collected and removed by a solid waste collector using a solid waste collection vehicle licensed by the city of Wichita for such collection. An individual may haul his or her own residential construction and demolition waste to a sanitary landfill or other licensed solid waste processing or licensed disposal facility provided that he or she accomplishes such hauling without littering, and pays the disposal fee.

Such demolition and construction waste shall be disposed of at a sanitary landfill or other licensed solid waste processing or licensed disposal facility.

Construction and demolition waste shall be removed on a continuing basis as produced on the premises or in relation to a demolition or construction project and in no case shall such waste remain on the premises or in relation to a demolition or construction project for a period of longer than thirty days.

Any solid waste collector licensed for that purpose may offer collection service for construction and demolition waste in accordance with a schedule of charges such collector determines to be appropriate.

**Section 7.08.125 Liquid waste.**

The occupant(s) of each premises producing liquid waste must store all such wastes in a suitably constructed holding tank. Such tanks must be so constructed as not to leak any liquid stored therein, and may only be connected to a sanitary sewer with prior approval from the sewer system operator. Under no circumstances may a holding tank be connected to a storm sewer. All such liquid wastes shall be collected and removed by a solid waste collector using a solid waste collection vehicle licensed by the city for such collection. The generator of the liquid waste will provide a sample of the waste to be collected to the collector, and also complete a manifest for the waste, on forms provided by the city. Liquid wastes that are not disposed of through a municipal or private sanitary sewer system must be disposed of at a facility approved and licensed by the state of Kansas for the disposal of sewage and industrial liquid waste in accordance with current state and federal regulations. It is unlawful to dispose of any prohibited discharges, including wastes classified as hazardous wastes as defined by local, state, or federal regulations at a sewage treatment plant. At the point of disposal the manifest(s) and sample(s) will be transferred to the plant operator and checked for total volume and declared contents. Disposal of the load at a sewage treatment plant may be denied by the director of the Water and Sewer Department, who may also recover disposal fees from the generator(s).

**Section 7.08.130 Hazardous waste.**

Hazardous waste shall be stored in containers, facilities, or other manner which in all cases will prevent leakage of liquids, and/or the concentration or generation of harmful or explosive vapors or materials, offensive odors, any harmful exposure or nuisance conditions. Containers shall be constructed of durable, corrosion resistant, watertight construction provided with tight-fitting lids or covers, properly labeled and kept in a safe location protected from tampering by unauthorized persons. The storage, collection, and transportation of hazardous waste shall be subject to the approval of the health officer. Hazardous waste shall be collected and removed

from the premises where produced or stored as often as necessary to prevent harmful and/or nuisance conditions with such collection and removal frequency subject to the approval of the health officer with consultation from the fire department as appropriate.

The transportation of hazardous waste from the premises where produced or stored shall only be accomplished in a special truck licensed by the city of Wichita, and approved by the health officer for the specific hazardous waste involved. The hazardous waste being transported shall be identifiable by a container label, bill of lading and/or by some other satisfactory method and may be subject to modification or rendering harmless all as required and determined by the health officer.

The hazardous waste shall be disposed of at a site and/or in accordance with methods approved by the health officer.

**Section 7.08.140 Solid waste collection vehicle standards, maintenance, licensing and fees.**

(a) All solid waste collection vehicles of each solid waste collector collecting solid waste in the city shall be licensed, maintained and operated in accordance with the definitions and other sections of this chapter. Each solid waste collection vehicle prior to licensure and operation each year shall be inspected and approved by the health officer as to compliance with this chapter. Provided also that the director of the Water and Sewer Department or authorized designee may review any or all applications for sewer tank truck licenses. Additionally, each operator of a sewer tank truck must have on file with the health officer a contingency plan for accidents that result in a spill of liquid wastes from the vehicle. Each solid waste collection vehicle shall be maintained in a safe and operable manner, be capable of providing collection services for which it is licensed, be kept in a clean condition, and have the name of the operator on each side of the truck in letters at least four inches in height.

(b) Each solid waste collector shall, for each solid waste collection vehicle operated by such collector, pay an annual license fee by May 1st of each year in accordance with the following schedule:

(1) Covered truck--to be used only for industrial solid waste, demolition and construction waste, bulky waste and tree waste, one hundred dollars; provided that, if the covered truck is used to transport the designated solid waste produced only from premises owned and/or occupied by the solid waste collector, the annual license fee shall be reduced to twenty-five dollars;

(2) Enclosed truck--to be used only for commercial trash, industrial solid waste and bulky waste, one hundred and fifty dollars;

(3) Flatbed truck--to be used only for tree waste, fifty dollars;

(4) Open bed truck--to be used only for bulky waste, residential bulky waste and tree waste, fifty dollars;

(5) Packer truck--to be used only for residential trash, commercial garbage, commercial trash, industrial solid waste and bulky waste, one hundred and fifty dollars;

(6) Special truck--to be used only for hazardous waste and special waste, both as approved by the health officer, fifty dollars;

(7) Trailer--to be used only for salvage material, yard waste, or tree waste, twenty-five dollars;

(8) Sewage tank truck--to be used only for sewage not otherwise classified as hazardous waste, one hundred dollars;

(c) Licenses shall be renewed by May 1st of each year with a ten percent penalty assessed after May 31st for each month or portion thereof for delinquent renewals. Initial license fees

shall be prorated, in full month increments, for applications received after May 1. This provision shall not apply to delinquent renewals. There shall be no refund of fees once paid.

(d) Each solid waste collector shall submit an application, on forms provided by the health officer, for a solid waste collection vehicle license for each solid waste collection vehicle prior to May 1st of each year and also prior to the operation of any additional solid waste collection vehicle in between licensure dates.

Each solid waste collector as a condition of receiving a license for a packer truck thereby agrees to provide weekly residential trash collection for any single-family dwelling or multifamily dwelling located in the city as requested by the occupant and/or owner of such dwelling upon payment of the agreed charges, provided that such solid waste collector already provides residential trash collection service to one or more such dwellings located within the block of such dwelling for which service is requested. Refusal of such requested service in accordance with the heretofore stated conditions shall be cause for the revocation of a packer truck license. The health officer shall approve or disapprove the licensure category indicated on the application. The City Treasurer, upon approval by the health officer and police department as to compliance with this chapter and payment of the appropriate fee, shall issue a solid waste collection vehicle license and two registration tags or decals bearing the number and vehicle category for each solid waste collection vehicle so approved for licensure and/or operation by the health officer. The City Treasurer may delegate issuance of the license and registration tags or decals to the Department of Environmental Health. One such tag or decal shall be securely attached to each side of the licensed solid waste vehicle by the solid waste collector in such a position that it shall be at all times clearly visible.

(e) With the approval of the health officer the license may be transferred to a replacement vehicle operated by the same licensee.

(f) Each solid waste collector shall provide collection service in accordance with a schedule as agreed by such solid waste collector and such collector's individual customers. In the case of breakdowns of collection equipment, the solid waste collector shall maintain standby equipment or otherwise arrange for collection services as scheduled or as soon as practicably possible.

Residential solid waste collection service shall be scheduled and provided only during the hours of six a.m. to eight p.m. on Monday through Saturday; provided that the health officer may authorize nonscheduled Sunday collection requested by a solid waste collector when normal scheduled collection is negated by emergencies such as adverse weather.

(g) Solid waste collection vehicles when not in use for the collection of solid waste shall be parked, stored and maintained off of public right-of-way only in Zoning Districts GC, CBD, LI and GI. Solid waste collection vehicles are prohibited from being parked, stored or maintained on all public streets and private property in all other zoning districts as defined in the Wichita-Sedgwick County Unified Zoning Code, except when actually collecting solid waste or conducting reasonable and related business activities. Reasonable business activities do not include overnight parking, parking in excess of one hour during collection activities, or parking prior to the commencement or following completion of daily collection activities.

**Section 7.08.150 Solid waste disposal.**

It is unlawful for any person to process or dispose of solid waste other than in accordance with the provisions of this chapter

**Section 7.08.160 Salvaging.**

Salvage or reclamation of materials shall be permitted only when facilities specifically designed for the purpose of salvaging or processing solid waste are provided, and when the

salvage materials are properly controlled to prevent interference with prompt sanitary disposal of solid waste. All salvage operations shall be conducted in a manner that will not create a nuisance.

(Ord. No. 34-029 (part): Ord. No. 27-569 § 1 (part))

**Section 7.08.170 Enforcement.**

(a) The health officer shall be responsible for the enforcement of this chapter and is hereby authorized to conduct inspections and make investigations, to issue notices, orders and directions, and to take such actions and carry out such activities as are necessary for the enforcement of this chapter.

(b) In the event of necessity, the health officer or his or her designee shall be authorized to procure the right of entry, inspection and abatement by obtaining an administrative warrant from a judge of the District Court.

(c) The health officer may authorize in specific cases a variance from the specific terms of this chapter which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship, and provided that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done. A request for a variance may be granted upon a finding by the health officer that all of the following conditions have been met:

(1) That the variance requested would not adversely affect the public health, safety, order, convenience, or general welfare;

(2) That granting the variance desired will not be opposed to the general spirit and intent of this chapter;

(3) That granting the variance will not result in littering, creating a health hazard or nuisance;

(4) That the strict application of the provisions of this chapter would result in an undue hardship, or would be unreasonable, impractical or not feasible.

(d) In granting a variance, the health officer may impose such conditions as he or she deems necessary to prevent and to control any littering; health hazard; nuisance; air, land or water pollution and to comply with the intent and purpose of all applicable local, state and federal laws. The health officer may also place any time limitations on the variance that he or she deems appropriate under the circumstances.

(e) A request for a variance shall be in writing and shall be filed with the health officer. Any person dissatisfied with any order or determination of the health officer may appeal such order or determination within 10 days of notice of the determination to the City Council.

(f) Whenever the health officer determines that there has been a violation of any provisions of this chapter, the health officer may give notice of such alleged violation(s) to the person or persons responsible therefore as hereinafter provided. Such notice shall: be in writing, particularize the violation(s) alleged to exist or to have been committed, provide a reasonable time for correction of the violation(s) particularized, be addressed to and served upon the owner and/or occupant of the premises or the operator of the vehicle or the equipment involved. A reasonable time under this subsection shall be 5 days, or such longer time as may be specifically stated in the notice. Notice shall be served upon such owner, occupant or operator by certified mail to his or her last known address, provided, further, that if the attempt to serve notice by this method is not successful, service of the notice is to be made upon such person or persons by at least one publication in the official newspaper of the city of Wichita. Such publication shall contain the conditions and reasons of the notice.

(g) The notice shall further state that the person or government entity to whom the notice is directed may file a request for a hearing before the health officer or his designee, provided however, that said notice must be filed no later than three days prior to the deadline for correction of the violation(s). The hearing shall be held for the purpose of defending the charges by the City and shall be held as soon as practicable after filing of the request. The person who requested the hearing shall be advised in writing of the date and time of the hearing.

(h) The provisions of 3.04.050, Penalty for nonpayment of fees; 3.04.065, Appeals for license denials and 3.04.075, Revocation, shall apply to the licenses established under this chapter.

(i) Failure to correct or file a request for hearing on the violation(s) of this chapter or other applicable ordinances of the city of Wichita, Kansas, by a solid waste collector after receiving notice thereof may result, in the revocation of the solid waste collection vehicle license of such solid waste collector by the health officer. Any such solid waste collector feeling aggrieved at such revocation may appeal, within ten days, the action of the health officer to the City Council.

(j) In addition to the remedy of prosecution and enforcement, the health officer is hereby authorized, empowered and directed on proper notice as herein provided to abate or suppress any violation of the chapter and for the purpose of carrying out provisions of this section the health officer is hereby authorized to enter into or upon any premises or establishment for the purpose of making a thorough examination after the presence of the health officer is made known if the premises are occupied and attended and to determine whether a violation exists. If, upon examination, the health officer determines that a violation exists, the health officer shall, after giving proper notice as herein provided to the owner or occupant of the premises or operator of the vehicle or equipment involved and after the opportunity for a hearing, proceed to cause the

condition causing the violation to be abated or suppressed by enlisting the services of the director of the department of public works or private contractor and tax the cost thereof against the lot or tract of ground upon which the violation is located and maintained or against the property of the owner of the vehicle or equipment involved as provided by law. The cost of such abatement is to be certified to the clerk of the city of Wichita, after the violation has been abated or suppressed.

**Section 7.08.180 Littering and Illegal Dumping.**

It is unlawful for any person to litter, scatter or spill solid waste, dump or dispose of solid waste at any site other than at a licensed sanitary landfill or other licensed processing facility or to store, collect, transport, process, dispose of, sell or offer for sale solid waste or salvage materials so as to create a nuisance or other than as provided for in this chapter. Solid waste collection vehicles licensed as covered trucks shall be deemed to be in violation of this section if the cover is not in place providing an effective cover during the transporting of any solid waste contained therein.

**Section 7.08.190 Penalty.**

Any person who shall be convicted of violating any provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punished by confinement for a definite term which shall be fixed by the court which shall not exceed six months, or a fine of not more than five hundred dollars or both such confinement and fine. Each day that any violation of this chapter occurs shall constitute a separate offense and shall be punishable as a separate violation. If upon trial of any person found guilty of a misdemeanor, it shall appear to the court that the violation complained of as proscribed in this chapter is continuing, the court shall enter such order as it shall deem appropriate to cause the violation to be abated.

SECTION 2. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon adoption and publication in the official city newspaper.

PASSED by the governing body of the City of Wichita, Kansas, this May 13, 2003.

---

Carlos Mayans, Mayor

ATTEST:

---

Pat Graves, City Clerk

Approved as to Form:

---

Gary E. Rebenstorf, Director of Law